



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,724	03/22/2004	Daniel Benigni	LD0283 DIV 1	9239

23914 7590 10/26/2006

LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

EXAMINER

LILLING, HERBERT J

ART UNIT PAPER NUMBER

1651

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5
UNITED STATES DEPARTMENT OF COMMERCE**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

20061024

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Receipt is acknowledged of the papers filed September 18, 2006, September 25, 2006 and September 27, 2006:

A. The prior art filed September 25, 2006 has been entered into the file. The prior art does not anticipate the claimed inventions as well as the prior art does not suggest or motivate one of ordinary skilled in the art to prepare a toluene containing epothilone B clathrate which has the advantages as recited:

Crystallization from toluene/ethyl acetate solvent mixtures (e.g., 1:1 mixture) results in preferential incorporation of toluene in the clathrate channels (i.e., obtain form epoB-TO.beta., not epoB-EA.beta.). Both hydrogen-bond donors of the epothilone (hydroxyls) are involved in interepothilone hydrogen bonds and are not available to bind to, and constrain, the guest solvents. The HPLC purity was 99.77 area % (excluding toluene area %). Residual solvents in the cake were 15.3% w/w toluene and 0.3% w/w EtOAc. The mother liquor and wash contained only 0.5% of the epothilone B input activity.

B. The substitute declaration oath filed September 27, 2006 has been approved for the three inventors.

C. The amendments to the claims filed September 18, 2006 have been approved.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is (703) 872-9306 or SPE Jon Weber whose telephone number is 571-272-0925. Examiner can be reached Monday-Friday from about 7:30 A.M. to about 7:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.J.Lilling: HJL
(571) 272-0918
Art Unit 1657
October 24, 2006

Serial Number 10/805,724

ATTACHMENT: IDS 1449 (2 PAGES)


HERBERT J. LILLING
Primary Examiner
Art Unit: 1657